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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA
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9 TANYA SPURBECK,
10 Plaintiff(s),

11 v.

12 WYNDHAM VACATION OWNERSHIP,
13 INC., et al.,
Defendant(s).

Case No.: 2:20-cv-00346-RFB-NJK

Order

[Docket No. 12]

14 Pending before the Court is Defendant's motion to stay discovery pending resolution of its
15 motion to dismiss. Docket No. 12; *see also* Docket No. 9 (motion to dismiss). Plaintiff filed a
16 response in opposition. Docket No. 19.¹ Defendant filed a reply. Docket No. 24. Discovery may
17 be stayed when: (1) there is a pending motion that is potentially dispositive; (2) the potentially
18 dispositive motion can be decided without additional discovery; and (3) the Court has taken a
19 "preliminary peek" at the merits of the potentially dispositive motion and is convinced that the
20 plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D.
21 579, 581 (D. Nev. 2013). Applying those standards here, the Court finds that a stay of discovery
22 is appropriate.²

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24 ¹ As a *pro se* litigant, the Court construes Plaintiff's filings liberally. *See, e.g., Erickson v.*
25 *Pardus*, 551 U.S. 89, 94 (2007).

26 ² Conducting the preliminary peek puts the undersigned in an awkward position because
27 the assigned district judge who will decide the motion to dismiss may have a different view of its
28 merits. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 603 (D. Nev. 2011). The undersigned's
"preliminary peek" at the merits of that motion is not intended to prejudice its outcome. *See id.*
As a result, the undersigned will not provide a lengthy discussion of the merits of the pending
motion to dismiss in this instance.

1 Accordingly, the motion to stay discovery is **GRANTED**.

2 IT IS SO ORDERED.

3 Dated: April 13, 2020

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6 Nancy J. Koppe
7 United States Magistrate Judge
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